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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

JCT95 U.S. PRO
12/03/01Attorney Docket No. 005618.P3212
(maximum 12 characters)First Named Inventor Eugene T. Michal, et al.Title: MEDICAL DEVICE HAVING SURFACE MODIFICATION WITH SUPEROXIDE DISMUTASE MIMICExpress Mail Label No. EL034159799USADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. **Fee Transmittal Form (e.g., PTO/SB/17)**
(Submit an original, and a duplicate for fee processing)
2. **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. **Specification (Total Pages 32)**
(preferred arrangement set forth below)
 - Cover page
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. **Drawings(s) (35 USC 113) (Total Sheets 7)**
5. **Oath or Declaration (Total Pages 5)**
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 18 completed)
 - i. **DELETIONS OF INVENTOR(S)** Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. **Application Data Sheet. (37 CFR 1.76)**
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(If applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on
i. CD-ROM or CD-R (2 copies), or
ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. **Assignment Papers (cover sheet & documents(s))**
10. _____ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- _____ b. Power of Attorney
11. _____ English Translation Document (if applicable)
12. a. Information Disclosure Statement (IDS)/PTO-1449
- _____ b. Copies of IDS Citations
13. _____ **Preliminary Amendment**
14. _____ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. _____ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. Other: Certificate of Express Mail with copy of postcard showing content of Express Mail package.

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: _____ Examiner _____ Group Art Unit _____
(which is a continuation/ divisional/ CIP of prior application no. 09/827,887,
which is a continuation/ divisional/ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is
the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an
assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____
(or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label 008791
or _____ (Insert Customer No. or Attach Bar Code Label here)
 Correspondence Address Below

NAME James C. Scheller
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard
Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): Mimi Diemmy Dao Registration No.: 45,628
Signature: Mimi Diemmy Dao Date: December 3, 2001

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)First Named Inventor Eugene T. MichalTitle MEDICAL DEVICE HAVING SURFACE MODIFICATION WITH SUPEROXIDE DISMUTASE MIMICAttorney Docket No. 005618.P3212

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 3, 2001

Date



Signature

Mimi Diemmy Dao

Typed or Printed Name

45,628

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

FEE TRANSMITTAL FOR FY 2002TOTAL AMOUNT OF PAYMENT (\$) \$996.00

Complete if Known:

Application No. UnassignedFiling Date UnassignedFirst Named Inventor Gene Michal, et al.Group Art Unit UnassignedExaminer Name UnassignedAttorney Docket No. 005618.P3212**METHOD OF PAYMENT** (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
 Deposit Account Name _____

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. Payment Enclosed:

Check
 Money Order
 Other

FEE CALCULATION**1. BASIC FILING FEE**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
101	740	201	Utility application filing fee
106	330	206	Design application filing fee
107	510	207	Plant filing fee
108	740	208	Reissue filing fee
114	160	214	Provisional application filing fee

SUBTOTAL (1) \$ _____

2. EXTRA CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	32	- 20** = 12	X 18.00 = 216.00
Independent Claims	2	- 3** = 0	X 84.00 = 00.00
Multiple Dependent			_____ = _____

**Or number previously paid, if greater; For Reissues, see below.

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
103	18	203	Claims in excess of 20
102	84	202	Independent claims in excess of 3
104	280	204	Multiple dependent claim, if not paid
109	84	209	**Reissue independent claims over original patent
110	18	210	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 216.00

FEE CALCULATION (continued)
3. ADDITIONAL FEES

Large Entity		Small Entity			
Fee	Fee	Fee	Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
099	8,800	099	8,800	Request for inter partes reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	920	217	460	Extension for response within third month	
118	1,440	218	720	Extension for response within fourth month	
128	1,960	228	980	Extension for response within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application or unavoidably delayed payment of issue fee	
141	1,280	241	640	Petition to revive unintentionally abandoned application or unintentionally delayed payment of issue fee	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	740	246	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (see 37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3) \$ 40.00					

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Mimi Diemmy Dao
Signature: M. M. Dao Date: December 3, 2001
Reg. Number: 45,628 Telephone Number: (408) 720-8300

"Express Mail" mailing label number EL034159799US

Date of Deposit December 3, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the United States Patent and Trademarks Office, P.O. Box 2327, Arlington, VA 22202, Box Patent Application

Michelle Begay

(Typed or printed name of person mailing paper or fee)

Michelle Begay December 3, 2001
(Signature of person mailing paper or fee) Date

Serial/Patent No.: <u>***</u>	Filing/Issue Date: <u>***</u>
Client: <u>Guidant Corporation, V.I.</u>	
Title: <u>MEDICAL DEVICE HAVING SURFACE MODIFICATION WITH SUPEROXIDE DISMUTASE MIMIC</u>	
BSTZ File No.: <u>005618.P3212</u>	Atty/Secty Initials: <u>JCS/MDD/mb</u>
Date Mailed: <u>December 3, 2001</u>	Docket Due Date: <u>***</u>
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:	
<input checked="" type="checkbox"/> Amendment/Response (<u> </u> pgs.)	
<input type="checkbox"/> Appeal Brief (<u> </u> pgs.) (in triplicate)	
<input type="checkbox"/> Application - Utility (<u> </u> pgs., with cover and abstract)	
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (<u> </u> pgs.)	
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (<u> </u> pgs.)	
<input checked="" type="checkbox"/> Application - Rule 1.53(b) CIP (<u>32</u> pgs.)	
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (<u> </u> pgs.)	
<input type="checkbox"/> Application - Design (<u> </u> pgs.)	
<input type="checkbox"/> Application - PCT (<u> </u> pgs.)	
<input type="checkbox"/> Application - Provisional (<u> </u> pgs.)	
<input checked="" type="checkbox"/> Assignment and Cover Sheet	
<input checked="" type="checkbox"/> Certificate of Mailing	
<input checked="" type="checkbox"/> Declaration & POA (<u>5</u> pgs.)	
<input type="checkbox"/> Disclosure Docs & Qig & Copy of Inventor Signed Letter (<u> </u> pgs.)	
<input checked="" type="checkbox"/> Drawings: <u>7</u> # of sheets includes <u>10</u> figures	
<input checked="" type="checkbox"/> Express Mail No.: <u>EL034159799US</u> <input checked="" type="checkbox"/> Check No. <u>996.00</u>	
<input type="checkbox"/> <u> </u> Month(s) Extension of Time Amt: <u> </u>	
<input checked="" type="checkbox"/> Information Disclosure Statement & PTO-149 (<u>3</u> pgs.) <input type="checkbox"/> Check No. <u> </u>	
<input type="checkbox"/> Issue Fee Transmittal Amt: <u> </u>	
<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Petition for Extension of Time	
<input type="checkbox"/> Petition for <u> </u>	
<input checked="" type="checkbox"/> Postcard (<u>2</u>)	
<input type="checkbox"/> Power of Attorney (<u> </u> pgs.)	
<input type="checkbox"/> Preliminary Amendment (<u> </u> pgs.)	
<input type="checkbox"/> Reply Brief (<u> </u> pgs.)	
<input type="checkbox"/> Response to Notice of Missing Parts	
<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business	
<input checked="" type="checkbox"/> Transmittal Letter, <u>AMENDMENT</u>	
<input checked="" type="checkbox"/> Fee Transmittal, in duplicate	
<input checked="" type="checkbox"/> Other: <u>Certificate of Express Mail with copy of postcard showing contents of Express Mail package and copies of 8 cited references.</u>	